

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

EARL SIMMONS.

Debtor.

Case No. 13-23254 (RDD)
(Chapter 11)

ORDER DISMISSING CHAPTER 11 CASE WITH A BAR TO REFILING

Upon the motion of the United States Trustee dated October 18, 2013 (Doc. No. 32), and upon the motion of Amusing Diversions, Inc. dated October 9, 2013 (Doc. No. 34) (the “Motions”), and upon all the filed pleadings, and upon the hearing on November 8, 2013 and the record taken thereat, and it appearing that appropriate notice has been given, and cause existing for the relief requested, it is

ORDERED, that the Motions are granted; and it is further

ORDERED, that this case commenced under Chapter 11 of the Bankruptcy Code be and is hereby dismissed pursuant to 11 U.S.C. § 1112(b), and it is further

ORDERED, that the Debtor is barred from refiling for bankruptcy relief under any chapter of the Bankruptcy Code until **May 6, 2015**; and it is further

ORDERED, that the Debtor pay to the United States Trustee the appropriate sum required pursuant to 28 U.S.C. § 1930 within ten (10) days of the entry of this order and simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements for the relevant period.

Dated: White Plains, New York
November 12, 2013

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
BANKRUPTCY JUDGE